

**REGULAR MEETING, February 9, 2009**

The Regular Session of the Deadwood City Commission convened on February 9, 2009 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Toscana called the meeting to order with the following members present: Department Heads and Commissioners, Mike Klamm, Joe Peterson, Georgeann Silvernail, and Lenny Schroeder. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Silvernail moved, Peterson seconded, to approve the minutes of February 2, 2009. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Schroeder moved, Peterson seconded, to approve the February 9, 2009 disbursements. Roll Call: Aye-All. Motion carried.

ADVANCE IMAGE	PANASONIC KXP	40.23
BH WEEKLY GROUP	PUBLISHING	523.34
COUNCIL OF STATE ARCHIVIST	SUPPLIES	30.00
CULLIGAN	RENTAL-FEB	25.00
D & D ELECTRIC	REPAIR LOIS' COMPUTER	201.25
GOLDEN WEST	SERVICE CALL-PRINTERS	414.38
JACOBS WELDING	MOUNT STRUTS	62.66
KAZCO, INC	3 AMP POWER SUPPLY	54.99
KEN HAWKI	REIMBURSE SUPPLIES	88.17
LC TREASURER	2009 TROLLEY LICENSE RENEWALS	363.00
LEAD DEADWOOD SANITARY	JAN 09 USEAGE	23,867.20
MDU	UTILITIES-LIBRARY	1,492.82
NAPA	PUMP	484.11
OCCUPATIONAL HEALTH NETWORK	PRE-EMPLOMENT	231.00
PONTIUS, JERRY	REIMBURSE SUPPLIES	205.32
SD STATE TREASURER	JAN 2009 SALES TAX	3,268.59
STOP & GROW	2009 DONATION	5,000.00
TWILIGHT FIRST AID & SAFET	SUPPLIES	42.10
	<b>TOTAL</b>	<b>\$36,394.16</b>

**ITEMS FROM CITIZENS ON AGENDA**

**Sanford Lab Update**

Jeret Heise, Science Liaison Director, appeared before the Commission to give a monthly update on the Sanford Lab. Heise discussed in detail the various science groups and projects that are being conducted on the various levels of the mine as well as future experiments once they reach the 4850 level. They will be hosting on-site collaboration meetings with within the next six months. They are proposing that by 2013 the Science and Education Center along with the Visitors Center would be constructed.

**PUBLIC HEARING/BID OPENINGS**

**Public Hearing**

Silvernail moved, Klamm seconded, to hold a public hearing and allow the Mayor to sign Resolution 2009-05 to vacate a Portion of a City Street: Lee Street westerly 50' of Lots 23, 24, 25, Block 1 Original Town of Deadwood, Lawrence County, S.D. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2009-05  
RESOLUTION TO VACATE PORTION OF CITY STREET**

**WHEREAS**, the Deadwood City Commission, received a petition for the vacation of a portion of a city street pursuant to SDCL 9-45-7, and

**WHEREAS**, the petition requested vacation of the southwesterly half of Lee Street located in the City of Deadwood, with the beginning, course, and termination of the highway to be vacated described as follows:

Beginning at the intersection of Broadway Street, then continuing northwesterly, terminating at its intersection with Williams Street, all between Blocks H & I, according to P.L. Rogers Map, City of Deadwood, Lawrence County, South Dakota (the "Vacated Street"), and

**WHEREAS**, a public hearing was held on February 9, 2009, after due notice to the public, and no objections were made or received, and

**WHEREAS**, the public interest will be better served by vacating the Vacated Street, such that said Vacated Street has not been used or traveled as a street or alley for more than 20 years, and also that some homeowners have encroached upon said Vacated Street, and

**WHEREAS**, the land through which the Vacated Street currently passes is owned by Roberta Farrell, Carl Waisanen, and Dennis and Barbara Swaney, and

**REGULAR MEETING, February 9, 2009**

**WHEREAS**, it would cause no inconvenience to the public because the northwesterly half of the street wholly contains City steps and public travel will not be impacted; now, therefore,

**IT IS HEREBY RESOLVED**, pursuant to SDCL 9-45-7, that the public interest will be better served by the proposed vacating of the township highway described as follows:

Beginning at the intersection of Broadway Street, then continuing northwesterly, terminating at its intersection with Williams Street, all between Blocks H & I, according to P.L. Rogers Map, City of Deadwood, Lawrence County, South Dakota.

**IT IS FURTHER RESOLVED** that the Deadwood City Commission shall publish and file this Resolution as statutorily provided.

Date: February 9, 2009

City of Deadwood

ATTEST:

/s/ Francis A. Toscana, Mayor

/s/ Mary Jo Nelson, Finance Officer

**Bid Opening**

Jim Raysor opened and read the sole bid received for the Automated Meter Reading System (AMRS) from Dakota Supply Group for \$78,530.00. Raysor said this is for upgrading the meters to the Badger Orion handheld reading system which includes the purchase of approximately 741 meters, software package, and hand held reader. The Water Department budgeted \$75,000 for this project and the Water Department will install all the meters. Raysor recommended to the Commission to accept the bid from Dakota Supply Group for \$78,530. Schroeder moved, Klamm seconded, to accept the bid from Dakota Supply Group for \$78,530. Roll Call: Aye-All. Motion carried.

**Public Hearing**

Silvernail moved, Peterson seconded, to approve the street closures on Main from Deadwood to Wall on March 7, 2009 from 10:00 a.m. to 4:00 p.m. for the Chinese New Year celebration with one-way traffic from Lee Street up Main to Deadwood Street and one-way traffic from Wall to Pioneer Way. Roll Call: Aye-All. Motion carried.

**HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDING/SAFETY**

**Hire Request/Advertise Position**

Klamm moved, Schroeder seconded, to allow the Historic Preservation office to proceed with new search for full time Administrative Assistant position and post position for five (5) working days within the department (per Union Contract) and then post for three (3) working days on Citywide bulletin boards (per City Employee handbook.) Roll Call: Aye - All. Motion carried.

**Change Order #3 - Deadwood Mountain Grand**

Klamm moved, Schroeder seconded, to approve Change Order #3 to extend the completion date to July 10, 2010 for the gable end foundation repairs and at no additional cost. Roll Call: Aye-All. Motion carried.

**Change Order #2 - Deadwood Mountain Grand**

Klamm moved, Schroeder seconded, to approve Change Order #2 to extend the completion date to July 10, 2010 for the facade project and at no additional cost. Roll Call: Aye-All. Motion carried. According to Kuchenbecker, in the event that Tentexkota Casino/Event Center project is delayed significantly, all work in this Contract will be performed as originally described in both contracts.

**Agreement - Dr. Suzanne Julin**

Silvernail moved, Peterson seconded, to allow the Mayor to sign an agreement with Dr. Suzanne Julin to develop a written history on the 20th Anniversary of gaming and historic preservation for the City of Deadwood for \$4,000 including all expenses and materials. Roll Call: Aye-All. Motion carried.

**Information - Design Guidelines**

Historic Preservation Officer Kevin Kuchenbecker informed everyone that the City of Deadwood Design Guidelines Draft and activity sheets from the recent workshop are now available online on the home page at [www.cityofdeadwood.com](http://www.cityofdeadwood.com). Kuchenbecker said they would be hosting additional workshops regarding the Design Guidelines project in future. Commissioner Silvernail added that every property owner needs to be made aware of this information as this affects the residents of Deadwood.

## REGULAR MEETING, February 9, 2009

### Travel Request

Toscana moved, Klamm seconded, to allow Kevin Kuchenbecker to attend South Dakota Legislative Session in Pierre on February 11, 2009, to attend the hearing on the proposed increase of the annual device fee to \$3,000. Roll Call: Aye-All. Motion carried.

## STREETS/WATER/LIBRARY

### Deadwood Frontier Request

Klamm moved, Silvernail seconded, to allow the Deadwood Frontier Club located at 681 Main Street to block the sidewalk during the construction for the facade from March 1 to May 1, 2009. To ensure pedestrian safety a walkway at curb height, covered entrance, cones, and railings to alert traffic will be used during this time. Roll Call: Aye - All. Motion carried.

## POLICE/FIRE

### Residential Parking Permit Request - 299 Williams

Klamm moved, Schroeder seconded, to approve the residential parking permit requested by Bernie Reausaw (owner) for Terry Willis at 299 Williams, approved by the Parking and Transportation Committee. This residential permit is approved for Terry Willis (renter) only. Roll Call: Aye - All. Motion carried.

## LEGAL BUSINESS

### Ordinance #1113 - Second Reading

There being no changes or comments subsequent to first reading, Silvernail moved, Klamm seconded, to approve second reading of Ordinance #1113 Amending Chapter 5.04 Alcoholic Beverages to set fees for Special On/Off Sale Special Malt Beverage, Wine, and Special Event License. Roll Call: Aye - All. Motion carried.

### Agreement - Western Mechanical Service, Inc.

Schroeder moved, Klamm seconded, to allow the Mayor to sign an Agreement between the City of Deadwood and Western Mechanical Service, Inc. for the Deadwood Pavilion Boiler project for \$164,486. Roll Call: Aye - All. Motion carried.

### Agreement - Deadwood Convention Center

Silvernail moved, Toscana seconded, to allow the Mayor to sign a Reciprocal Easement Agreement with the Deadwood Resort, LLC for access to The Lodge at Deadwood Convention Center. Roll Call: Aye - All. Motion carried.

### Agreement - First Western Bank

Schroeder moved, Silvernail seconded, to allow the Mayor to sign the Assignment of Reciprocal Easement Agreement between the City of Deadwood and First Western Bank (lender) for the "Convention Center Property." Roll Call: Aye - All. Motion carried.

## MAYORS BUSINESS

### Meeting Date Change

Mayor Toscana informed everyone that the next regular meeting of the Commission would be at 5:00 p.m. on Tuesday, February 17, 2009, due to the President's Day holiday.

### Meeting Date Change

Mayor Toscana announced that the meeting regarding the future use of the Lead-Deadwood School District facilities would be held on Tuesday, February 17 at 7:00 p.m. at the Lead-Deadwood Elementary School Auditorium.

## ITEMS FROM CITIZENS NOT ON AGENDA

### Hire Request

Silvernail moved, Klamm seconded, to approve the hiring of Stephen Egbert as a part time employee for the Parks Department in conjunction with the Lead-Deadwood High School internship program, starting at wage \$7.00 per hour, effective February 11, 2009. Roll Call: Aye - All. Motion carried.

**REGULAR MEETING, February 9, 2009**

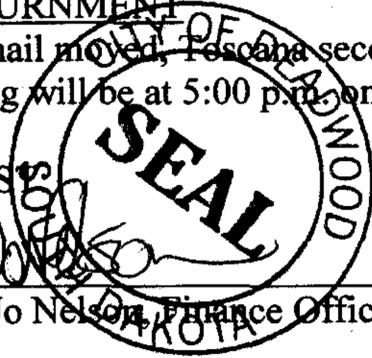
**Information - Library Fundraiser**

Commissioner Schroeder announced that the Library fundraiser event "Parti de Chocolat" has been rescheduled for February 28 from 7:00 to 10:00 p.m. at the Deadwood Library.

**ADJOURNMENT**

Silvernail moved, Toscana seconded, to adjourn the regular session at 5:30 p.m. The next regular meeting will be at 5:00 p.m. on Monday, February 17, 2009.

ATTEST

  
Mary Jo Nelson, Finance Officer

DATE: 2-17-09

BY: Francis A. Toscana  
Francis A. Toscana, Mayor